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**MINUTES**

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IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. MARK E. FULLER, PRESIDING

AT MONTGOMERY, AL

DATE COMMENCED: 9/25/06

AT: 10:15 a.m.

DATE COMPLETED: 9/28/06

AT: 4:15 p.m.

UNITED STATES OF AMERICA

vs.

TERRENCE CORNELIUS AND  
DEMETRIUS J. HAWKINS

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CR. NO. 2:06CR12-MEF

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GOVERNMENT APPEARANCES:  
Kent Brunson

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DEFENDANT  
Paul R. Cooper  
Howard Greenberg  
Malcolm R. Newman

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COURT OFFICIALS PRESENT:

Jimmy Dickens, Court Reporter  
Josh Shapiro, Law Clerk  
David Housholder, Law Clerk  
Kelli Gregg, Courtroom Clerk

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COURTROOM PROCEEDINGS:

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**( X ) Jury Selection and Trial**

10:15 a.m. - Court convenes.  
Opening remarks to jury.  
Entire jury panel is given the oath and sworn in with the Court.  
Voor dire begins.  
Challenges for Cause as to jurors #3, 32, 54, 109 and 110 are GRANTED.  
Juror #73 was DENIED for Challenge for Cause.  
Jury panel is selected.  
Jury is given the oath and sworn in with the Court.  
12:25 p.m. - Court is in recess.  
1:45 p.m. - Court reconvenes.  
Court gives preliminary instructions to the jury.  
Opening statements begin. Government takes 10 minutes and Dft.

Cornelius takes 6 minutes. Dft. Hawkins defers.  
Government calls their first witness Will Barnes to testify.  
Counsel for dft. Cornelius begins cross-examination of witness Barnes.  
Counsel for dft. Hawkins has no cross-examination for witness Barnes.  
Government begins re-direct examination of witness Barnes.  
3:00 p.m. - Court is in recess.  
3:25 p.m. - Court reconvenes.  
Government calls their next witness Andy Sutley to testify.  
No cross-examination by defense counsel for witness Sutley.  
Government calls their next witness Joe Herman to testify.  
Counsel for dft. Cornelius begins cross-examination of witness Herman.  
Counsel for dft. Hawkins has no cross-examination of witness Herman.  
5:25 p.m. - Court is in recess.

DAY TWO  
9/26/06

9:00 a.m. - Court convenes.  
Government begins re-direct examination of witness Herman.  
Government calls their next witness John Rapp to testify.  
Counsel for dft. Cornelius begins cross-examination of witness Rapp.  
Counsel for dft. Hawkins begins cross-examination of witness Rapp.  
10:30 a.m. - Court is in recess.  
10:50 a.m. - Court reconvenes.  
Government begins re-direct examination of witness Rapp.  
Counsel for dft. Cornelius begins re-cross examination of witness Rapp.  
Government calls their next witness Lamar Dyar to testify.  
Counsel for dft. Cornelius begins cross-examination of witness Dyar.  
Counsel for dft. Hawkins begins cross-examination of witness Dyar.  
Government begins re-direct examination of witness Dyar.  
Government calls their next witness Troy Williams to testify.  
Counsel for dft. Cornelius begins cross-examination of witness Williams.  
No cross-examination for dft. Hawkins.  
12:15 p.m. - Court is in recess.  
1:30 p.m. - Court reconvenes.  
Government calls their next witness James Perry to testify.  
No cross-examination by dfts. Cornelius and Hawkins for Perry.  
Government calls their next witness Keith Cromer to testify.  
Counsel for dft. Cornelius begins cross-examination of witness Cromer.  
Counsel for dft. Hawkins begins cross-examination of witness Cromer.  
Government begins re-direct examination of witness Cromer.  
Counsel for dft. Cornelius begins re-cross examination of witness Cromer.  
2:55 p.m. - Court is in recess.  
3:25 p.m. - Court reconvenes.  
Government calls their next witness Spring Williams to testify.

Counsel for dft. Cornelius begins cross-examination of witness Williams.  
Counsel for dft. Hawkins begins cross-examination of witness Williams.  
Government calls their next witness Craig Canady to testify.  
Counsel for dft. Cornelius begins cross-examination of witness Canady.  
5:05 p.m. - Court is in recess.

DAY THREE  
9/27/06

9:00 a.m. - Court convenes.  
Cross-examination of witness Canady resumes.  
10:30 a.m. - Court is in recess.  
11:00 a.m. - Court reconvenes.  
Testimony of witness Canady resumes.  
No cross-examination for dft. Hawkins.  
Government begins re-direct examination of witness Canady.  
Government recalls Joe Herman to testify.  
Counsel for dft. Hawkins begins cross examination of witness Herman.  
No cross-examination for dft. Cornelius.  
Government rests at this time.  
Jury is recessed for lunch at this time.  
Counsel for dft. Cornelius files Motion for Judgment of Acquittal (Doc. #126).  
Government responds to Motion for Judgment of Acquittal.  
Court DENIES Motion for Judgment of Acquittal (Doc. #126) as Premature and pursuant to Rule 29 (a) the Motion is DENIED.  
Counsel for dft. Hawkins joins in on co-dfts. Motion for Judgment of Acquittal.  
Court makes the same ruling for Hawkins as was ruled on for Cornelius.  
11:45 a.m. - Court is in recess.  
1:40 p.m. - Court reconvenes.  
Defendants Cornelius and Hawkins rests at this time.  
At side bar (outside hearing of jury) dft. Cornelius Motions the Court under Rule 49(a) for Judgment of Acquittal with same grounds as argued in document #126.  
Counsel for dft. Hawkins concurs with dft. Cornelius with same reasons as dft. Cornelius.  
Court DENIES Motions as previously stated.  
Closing arguments begin. Gov't takes 40 minutes. Dfts. take 54 minutes.  
3:25 p.m. - Court is in recess.  
3:45 p.m. - Court reconvenes.  
Court gives closing instructions to the jury.  
4:20 p.m. - Jury deliberations begin.  
4:40 p.m. - Court is in recess.

DAY FOUR

9/28/06

10:00 a.m. - Jury deliberations resume.  
10:30 a.m. - Court convenes to receive note from jury.  
Court takes up note with counsel.  
10:40 a.m. - Court is in recess.  
3:20 p.m. - Court reconvenes to accept verdict. Verdict not accepted by the court.  
Jury is sent back out for further deliberations.  
3:25 p.m. - Court is in recess.  
3:50 p.m. - Court reconvenes to receive note from the jury.  
Court declares a Mistrial at this time.  
Court ORDERS that defendant's be released on same bond as previously  
entered by the Magistrate Judge in this case.  
Court will set this case on the next available trial term for the Court.  
Counsel shall file any motions to continue if necessary.  
4:15 p.m. - Court is in recess.